

FILED

## United States District Court

FEB 13 2007

NORTHERN

DISTRICT OF

CALIFORNIA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

ERNESTO R. RODRIGUEZ  
401 28<sup>th</sup> Ave., #1  
San Francisco, CA 94121

(Name and Address of Defendant)

Venue: SAN FRANCISCO NORTHERN DISTRICT OF CALIFORNIA

## CRIMINAL COMPLAINT

MEJ

CASE NUMBER:

3 07 70083

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 13, 2007 in San Francisco County, in the Northern District of California defendant(s) did, while in the territorial jurisdiction of the United States, knowingly caused another person to engage in a sexual act by using force against that person, in violation of Title 18 United States Code, Section 2241(a)(1).

I further state that I am a United States Park Police Detective and that this complaint is based on the following facts:

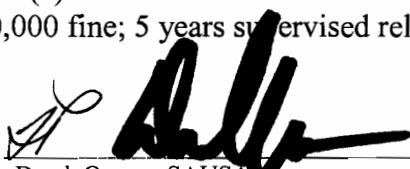
See attached Affidavit in Support of Criminal Complaint

## Maximum Penalties:

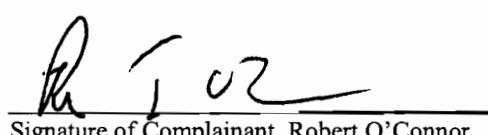
Title 18 USC Section 2241(a):

Life Imprisonment; \$250,000 fine; 5 years supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:



Derek Owens, SAUSA

Continued on the attached sheet and made a part hereof:  Yes  NoWarrant of Arrest Requested:  Yes  NoBail Amount: N/A

  
Signature of Complainant, Robert O'Connor

Sworn to before me and subscribed in my presence,

February 13 2007

Date

at San Francisco, California

City and State

**Maria-Elena James****United States Magistrate Judge**

Name &amp; Title of Judicial Officer


  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT )  
NORTHERN DISTRICT OF CALIFORNIA ) ss. AFFIDAVIT  
 )

I, Robert O'Connor, being duly sworn do hereby depose and state as follows:

**Purpose of Affidavit**

1. This affidavit establishes probable cause to arrest ERNESTO RODRIQUEZ for violating Title 18 U.S.C., § 2241(a)(1) - Aggravated Sexual Abuse, when he knowingly caused Victim to engage in a sexual act by using force against her, while in an area of the Presidio Trust. This affidavit is based in part on personal knowledge, interviews, and reviews of documents and records, and does not contain every fact, piece of information or evidence concerning this alleged violation.

**Affiant Background**

2. I am a Detective assigned to law enforcement duties with the United States Park Police, Presidio Trust, Golden Gate National Recreation Area. I have been so employed as a law enforcement officer since 1987. I have been assigned to the Criminal Investigations Branch since April 2002, with specialized training in Investigations (80 hours) and Interview Techniques (40 hours). Based on my investigation I learned the following:

**Case Facts and Evidence**

3. On February 13, 2007, at approximately 1:30 a.m., I received a phone call from U.S. Park Police Sgt. Quinn regarding a sexual assault. The female victim ("Victim"), who was at the San Francisco General Hospital Rape Crisis Unit, had been picked up by an individual in a vehicle described as "dark green, blue or black Geo" on Pine and Van Ness Streets in San Francisco. The suspect was described as Hispanic male, late forties, wearing a tan, long-sleeve sweater, blue jeans, and a black belt.
4. The suspect (later identified as RODRIQUEZ) then drove Victim to the area of Pop Hicks Field on the Presidio, told Victim he was a police officer, and forced her to perform an oral sexual act. RODRIQUEZ pulled his pants down, and grabbed Victim by the head and neck, and forced her to have oral sex. Victim struggled with RODRIQUEZ and begged him to let her go. RODRIQUEZ began to drive away as Victim attempted to get out of the vehicle. The victim hit RODRIQUEZ in the right temple with her right hand. He then struck her above the left cheek, and put her in a headlock. RODRIQUEZ told the victim "if you don't stop struggling, I'm really going to hurt you." As the car was slowly rolling away from the scene, the Victim was able to jump out of the car, run, and call "911".
5. I spoke with Sgt. Quinn about a similar incident occurring several months ago where a female victim was picked up in a green Geo Metro and performed oral sex

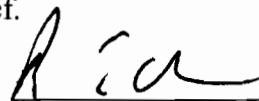
on a suspect at Pop Hicks Field on the Presidio. The suspect in that case claimed to be a police officer, threatened the victim with criminal prosecution, and told her to get out of the vehicle after the sexual act. The victim of that previous incident recalled the right passenger mirror missing from the Geo.

6. After the reported incident, a lookout was placed for a green Geo Metro. At approximately 2:30 a.m., U.S. Park Police Officer Chang (812A), who received an earlier description of the suspect vehicle from U.S. Park Police Communications, observed a Green Geo Metro driving down the Great Highway in San Francisco. Chang pulled up next to the individual and observed that the driver matched the description of the suspect in the reported assault. Officer Chang stopped the vehicle, and identified the driver as Ernesto RODRIQUEZ. The vehicle was missing a right passenger side mirror consistent with the previous assault. RODRIQUEZ was described as a Latin male, thirty-nine years old, 6'0", 190lbs., short hair, wearing a beige sweater with blue jeans.
7. RODRIQUEZ was searched by Officer Velez at the scene. Officer Velez recovered a ripped up California driver's license in RODRIQUEZ' right front pants pocket belonging to Victim. Officer Velez asked RODRIQUEZ about the girl in the driver's license, and RODRIQUEZ replied, "It's a girl I know...She's a prostitute."

#### Conclusion

Based on the above facts, there is probable cause to believe that on February 13, 2007, ERNESTO RODRIQUEZ, did, while in the territorial jurisdiction of the United States, knowingly cause Victim to engage in a sexual act by using force against her, in violation of Title 18 U.S.C., § 2241(a)(1). I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



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ROBERT O'CONNOR  
Detective, United States Park Police

SUBSCRIBED AND SWORN BEFORE ME  
ON February 13, 2007



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THE HONORABLE MARIA-ELENA JAMES  
United States Magistrate Judge  
Northern District of California